

§ 260. Provision of telemessaging service**(a) Nondiscrimination safeguards**

Any local exchange carrier subject to the requirements of section 251(c) of this title that provides telemessaging service—

(1) shall not subsidize its telemessaging service directly or indirectly from its telephone exchange service or its exchange access; and

(2) shall not prefer or discriminate in favor of its telemessaging service operations in its provision of telecommunications services.

(b) Expedited consideration of complaints

The Commission shall establish procedures for the receipt and review of complaints concerning violations of subsection (a) or the regulations thereunder that result in material financial harm to a provider of telemessaging service. Such procedures shall ensure that the Commission will make a final determination with respect to any such complaint within 120 days after receipt of the complaint. If the complaint contains an appropriate showing that the alleged violation occurred, the Commission shall, within 60 days after receipt of the complaint, order the local exchange carrier and any affiliates to cease engaging in such violation pending such final determination.

(c) “Telemessaging service” defined

As used in this section, the term “telemessaging service” means voice mail and voice storage and retrieval services, any live operator services used to record, transcribe, or relay messages (other than telecommunications relay services), and any ancillary services offered in combination with these services.

(June 19, 1934, ch. 652, title II, §260, as added Pub. L. 104-104, title I, §101(a), Feb. 8, 1996, 110 Stat. 79.)

§ 261. Effect on other requirements**(a) Commission regulations**

Nothing in this part shall be construed to prohibit the Commission from enforcing regulations prescribed prior to February 8, 1996, in fulfilling the requirements of this part, to the extent that such regulations are not inconsistent with the provisions of this part.

(b) Existing State regulations

Nothing in this part shall be construed to prohibit any State commission from enforcing regulations prescribed prior to February 8, 1996, or from prescribing regulations after February 8, 1996, in fulfilling the requirements of this part, if such regulations are not inconsistent with the provisions of this part.

(c) Additional State requirements

Nothing in this part precludes a State from imposing requirements on a telecommunications carrier for intrastate services that are necessary to further competition in the provision of telephone exchange service or exchange access, as long as the State's requirements are not inconsistent with this part or the Commission's regulations to implement this part.

(June 19, 1934, ch. 652, title II, §261, as added Pub. L. 104-104, title I, §101(a), Feb. 8, 1996, 110 Stat. 79.)

§ 262. Ensuring the integrity of voice communications**(a) Registration and compliance by intermediate providers**

An intermediate provider that offers or holds itself out as offering the capability to transmit covered voice communications from one destination to another and that charges any rate to any other entity (including an affiliated entity) for the transmission shall—

(1) register with the Commission; and

(2) comply with the service quality standards for such transmission to be established by the Commission under subsection (c)(1)(B).

(b) Required use of registered intermediate providers

A covered provider may not use an intermediate provider to transmit covered voice communications unless such intermediate provider is registered under subsection (a)(1).

(c) Commission rules**(1) In general****(A) Registry**

Not later than 180 days after February 26, 2018, the Commission shall promulgate rules to establish a registry to record registrations under subsection (a)(1).

(B) Service quality standards

Not later than 1 year after February 26, 2018, the Commission shall promulgate rules to establish service quality standards for the transmission of covered voice communications by intermediate providers.

(2) Requirements

In promulgating the rules required by paragraph (1), the Commission shall—

(A) ensure the integrity of the transmission of covered voice communications to all customers in the United States; and

(B) prevent unjust or unreasonable discrimination among areas of the United States in the delivery of covered voice communications.

(d) Public availability of registry

The Commission shall make the registry established under subsection (c)(1)(A) publicly available on the website of the Commission.

(e) Scope of application

The requirements of this section shall apply regardless of the format by which any communication or service is provided, the protocol or format by which the transmission of such communication or service is achieved, or the regulatory classification of such communication or service.

(f) Rule of construction

Nothing in this section shall be construed to affect the regulatory classification of any communication or service.

(g) Effect on other laws

Nothing in this section shall be construed to preempt or expand the authority of a State public utility commission or other relevant State agency to collect data, or investigate and en-

force State law and regulations, regarding the completion of intrastate voice communications, regardless of the format by which any communication or service is provided, the protocol or format by which the transmission of such communication or service is achieved, or the regulatory classification of such communication or service.

(h) Exception

The requirement under subsection (a)(2) to comply with the service quality standards established under subsection (c)(1)(B) shall not apply to a covered provider that—

(1) on or before the date that is 1 year after February 26, 2018, has certified as a Safe Harbor provider under section 64.2107(a) of title 47, Code of Federal Regulations, or any successor regulation; and

(2) continues to meet the requirements under such section 64.2107(a).

(i) Definitions

In this section:

(1) Covered provider

The term “covered provider” has the meaning given the term in section 64.2101 of title 47, Code of Federal Regulations, or any successor thereto.

(2) Covered voice communication

The term “covered voice communication” means a voice communication (including any related signaling information) that is generated—

(A) from the placement of a call from a connection using a North American Numbering Plan resource or a call placed to a connection using such a numbering resource; and

(B) through any service provided by a covered provider.

(3) Intermediate provider

The term “intermediate provider” means any entity that—

(A) enters into a business arrangement with a covered provider or other intermediate provider for the specific purpose of carrying, routing, or transmitting voice traffic that is generated from the placement of a call placed—

(i) from an end user connection using a North American Numbering Plan resource; or

(ii) to an end user connection using such a numbering resource; and

(B) does not itself, either directly or in conjunction with an affiliate, serve as a covered provider in the context of originating or terminating a given call.

(June 19, 1934, ch. 652, title II, §262, as added Pub. L. 115–129, §2, Feb. 26, 2018, 132 Stat. 329.)

PART III—SPECIAL PROVISIONS CONCERNING
BELL OPERATING COMPANIES

§ 271. Bell operating company entry into interLATA services

(a) General limitation

Neither a Bell operating company, nor any affiliate of a Bell operating company, may provide

interLATA services except as provided in this section.

(b) InterLATA services to which this section applies

(1) In-region services

A Bell operating company, or any affiliate of that Bell operating company, may provide interLATA services originating in any of its in-region States (as defined in subsection (i)) if the Commission approves the application of such company for such State under subsection (d)(3).

(2) Out-of-region services

A Bell operating company, or any affiliate of that Bell operating company, may provide interLATA services originating outside its in-region States after February 8, 1996, subject to subsection (j).

(3) Incidental interLATA services

A Bell operating company, or any affiliate of a Bell operating company, may provide incidental interLATA services (as defined in subsection (g)) originating in any State after February 8, 1996.

(4) Termination

Nothing in this section prohibits a Bell operating company or any of its affiliates from providing termination for interLATA services, subject to subsection (j).

(c) Requirements for providing certain in-region interLATA services

(1) Agreement or statement

A Bell operating company meets the requirements of this paragraph if it meets the requirements of subparagraph (A) or subparagraph (B) of this paragraph for each State for which the authorization is sought.

(A) Presence of a facilities-based competitor

A Bell operating company meets the requirements of this subparagraph if it has entered into one or more binding agreements that have been approved under section 252 of this title specifying the terms and conditions under which the Bell operating company is providing access and interconnection to its network facilities for the network facilities of one or more unaffiliated competing providers of telephone exchange service (as defined in section 153(47)(A))¹ of this title, but excluding exchange access) to residential and business subscribers. For the purpose of this subparagraph, such telephone exchange service may be offered by such competing providers either exclusively over their own telephone exchange service facilities or predominantly over their own telephone exchange service facilities in combination with the resale of the telecommunications services of another carrier. For the purpose of this subparagraph, services provided pursuant to subpart K of part 22 of the Commission’s regulations (47 C.F.R. 22.901 et

¹ See References in Text note below.